

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

STRIKE 3 HOLDINGS, LLC,)	
)	
Plaintiff,)	Civil Case No. 1:21-cv-01249-MSN-IDD
)	
v.)	
)	
JOHN DOE infringer identified as using IP)	
address 71.127.34.131,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S *EX-PARTE* MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO EFFECTUATE SERVICE
ON JOHN DOE DEFENDANT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC (“Plaintiff”), makes this motion for entry of an order extending the time within which to effectuate service on John Doe Defendant, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).
2. On November 18, 2021, the Court granted Plaintiff leave to serve a third-party subpoena on Defendant’s ISP to obtain the Defendant’s identifying information. [CM/ECF 7]. Plaintiff issued the subpoena on or about November 22, 2021 and, in accordance with the time allowances provided to both the ISP and the Defendant, expected to receive the ISP’s response on or about January 21, 2022.
3. On or about February 9, 2022, Plaintiff’s counsel reached out to the ISP regarding its overdue response. As of the date of this filing, Plaintiff has not heard back from the ISP.

4. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than February 10, 2022.

5. Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended an additional sixty (60) days, and thus the deadline to effect service be extended to April 11, 2022. This extension should allow Plaintiff time to receive the ISP response, conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), to amend the Complaint, and place the summons and Amended Complaint with the process server to attempt service of process.

6. This motion is made in good faith and not for the purpose of undue delay.

7. This is Plaintiff's first request for an extension. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until April 11, 2022. A proposed order is attached for the Court's convenience.

Dated: February 10, 2022

Respectfully submitted,

s/ Dawn M. Sciarrino
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